

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

CARMEN CONSOLINO, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 17-cv-09011
)	
v.)	The Honorable Judge Robert M. Dow, Jr.
)	
THOMAS J. DART, <i>et al.</i> ,)	
)	
Defendants.)	

JOINT STATUS REPORT PURSUANT TO DKT. 126

NOW COME, the parties, jointly through their respective counsels, Cass T. Casper, DISPARTI LAW GROUP, P.A., Richard F. Linden, Law Offices of Richard Linden, and Peter Bustamante, Law Offices of Peter Bustamante, for Plaintiffs, and Justin L. Leinenweber, Leinenweber Baroni & Daffada, LLC, and Ethan White, Emery Law, Ltd., for Sheriff's Defendants, and Michael Kuczwara, Jr. and David Cascio, Esq., Laner Muchin, for Defendant Cook County, Illinois, and report as follows on the status of the above-captioned cause pursuant to this Court's June 14, 2022 order for a status report (Dkt. 126).

I. Outstanding Discovery Issues.

1. The parties report that there is one deposition remaining to be conducted of Zelda Whittler-Martin, former Undersheriff and a party Defendant, which is scheduled to take place on August 29, 2022, at 10:00 a.m. via Zoom. Her deposition has been rescheduled multiple times without objection by any party due to this deponent's severe medical issues necessitating rescheduling.
2. Cook County, Illinois is still in the process of responding to a subpoena for documents from Plaintiffs.
3. Plaintiff Antonio Belk amended his bankruptcy schedules to account for this case and the

Bankruptcy Trustee in his case is currently retaining counsel to prosecute his claims here, which most likely will be Belk's current counsel. Various disclosures will be made about this in due course, anticipated to be this week (August 15, 2022).

4. Plaintiffs have a supplemental set of documents being produced on August 15, 2022 that will not necessitate depositions.

II. Plaintiffs Seek A Stay Of Dispositive Motion Briefing Pending Completion Of Discovery In The *Tate* Case Pending In State Court; Defendants Oppose A Stay.

5. As noted, the *Tate* case is pending in the Circuit Court of Cook County, Illinois and involves the layoff/termination of the Cook County Correctional Commanders. It was filed by different counsel in 2018, but the *Tate* Plaintiffs are now being represented by the same counsel as in this case. The case is in discovery, with depositions ongoing.

6. Depositions are being conducted on an ongoing basis in *Tate*, including this month and in September. It is expected that depositions in *Tate* will conclude this Fall.

7. Plaintiffs' position is that, because the depositions in *Tate* involve many of the same deponents as in this case, and because the issues are similar and involve, *inter alia*, whether the Commanders were terminated/laid off in violation of the First Amendment for attempting to form a union, the testimony obtained in the depositions in *Tate* is directly relevant to the merits of this case, including because it is possible deponents may make contradictory statements in *Tate* from their depositions in this case.

8. Defendants' position is to oppose a stay because Plaintiffs in this case have had ample opportunity to conduct depositions, and ask whatever questions they felt relevant for *Tate*. It would be fundamentally unfair and contrary to the Federal Rules of Civil Procedure to allow Plaintiffs, represented by the same counsel here as in *Tate*, to effectively depose Defendants' witnesses twice, if they were able to utilize the deposition transcripts from *Tate* in this case.

9. Plaintiffs will be filing a motion seeking to stay discovery in this case pending completion of discovery in *Tate* for the reasons outlined herein. Defendants intend to oppose any such motion for the reasons stated briefly above and for which additional argument will be provided in any opposition brief.

III. Expert Discovery Schedule.

10. Plaintiffs will be calling experts in this case, previously disclosed on their Supplemental MIDP Disclosures on April 26, 2022.

11. The parties seek to enter an expert discovery schedule as follows:

- a. Plaintiffs' expert reports due: 9/30/2022, which is timed to account for Zelda Whittler-Martin's deposition on August 29, 2022.
- b. Defendants' expert reports and rebuttal reports, if any, due: October 29, 2022.
- c. Plaintiffs' rebuttal report due, if any: November 14, 2022.
- d. All expert depositions completed by November 30, 2022.

12. The parties note that expert discovery may proceed regardless of whether or not the Court enters a stay as discussed in Section II, *supra*.

Respectfully submitted,

/s/ Cass T. Casper

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the foregoing document on all counsel of record via this Court's CM/ECF filing system on August 15, 2022, and that all such counsels are registered e-filers.

/s/ Cass T. Casper